REMARKS

The applicants thank Examiner Brian Q Le for the telephone interview on August 29, 2006. Specifically, in the interview, claims 1-7, 13-16 and 20-23 were discussed, however, no agreement was reached.

This application has been reviewed in light of the Non-Final Office Action mailed May 18, 2006. Claims 1-28 are pending in this application. The application has been amended without adding any new matter. Specifically, claims 1, 13 and 20 have been amended to more clearly depict what the applicants claim as the invention. Support for the amended matter can be found on paragraph 24 pages 4-5 and paragraph 30, page 7 of the application.

I. REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

The Examiner has rejected claims 1-5, 7, 13,14, 16, 20-23 under U.S.C. § 102(b) as being anticipated by Franke et al., Autonomous Driving Goes Downtown, IEEE Intelligent Systems, 1998 (hereinafter "Franke"). Franke fails to teach or suggest that producing, tessellating and detecting occur in a chronological order as recited in amended independent claims 1, 13 and 20.

Franke shows a the 2D depth map as a cluster of feature points, which are detected as potential obstacles, that are subsequently tracked. See page 41, column 3, last three lines, page 42, column 1, and Fig. 4 of Franke. So, in Franke, creating the cluster of points is occurring simultaneously with detecting potential obstacles. This is because the cluster of feature points in Fig. 4 are represented as the detected potential obstacles. Whereas, in the present invention, the depth map is first tessellated into a number of patches which are then selected for processing to detect a potential threat in the tessellated depth map.

Since Franke is devoid of any teachings regarding producing step, tessellating step and

detecting step occur in a chronological order, the Applicants believe amended independent claims 1, 13, and 20 are patentable under 35 U.S.C. § 102 (b). Claims 2-5, 7, 14, 16, 21-23 depend, either directly or indirectly, from claims 1, 13, and 20 and are patentable at least for the same reasons that the independent claims are patentable. As such, the Applicants respectfully request the rejection of claims 1-5, 7, 13, 14, and 16, 20-23 be withdrawn.

II. REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

The Examiner has rejected claims 6 and 15 as being unpatentable over Franke in view of Yang et al., Vision Based Real-time Obstacles Detection and Tracking for Autonomous Vehicle Guidance. Real-time Imaging VI, Proceedings of SPIE, Vol. 4666, pp. 65-74, 2002 (hereinafter "Yang").

Neither of the references, Franke in view of Yang alone or in combination teach or suggest the feature of producing step, tessellating step and detecting step occur in a chronological order as recited in amended independent claims 1 and 13. Since, the amended independent claims 1 and 13 are patentable over the prior art, as discussed above, Applicant submits that the dependent claims 6 and 15 are allowable for the same reasons as advanced allowability of claims 1 and 13. Applicant respectfully requests withdrawal of the §103 rejection of Claims 6 and 15.

III. ALLOWED CLAIMS

The Applicants thank the Examiner for allowing claims 8-12, 17-19, and 24-28 subject to rewriting and proper dependence.
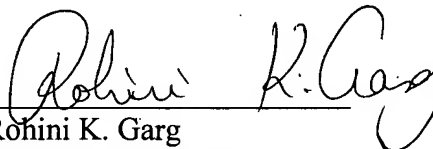
CONCLUSION

In view of the above amendment and remarks, Claims 1-28 are submitted to be allowable. Reconsideration and favorable action in this regard are therefore earnestly solicited.

As mentioned above, a petition of one (1) month extension of time is submitted herewith. If any additional fee is deemed necessary for this Amendment to be entered and considered by the Examiner, then the Commissioner is authorized to charge such fee to Deposit Account No. **501358**.

Applicants' undersigned agent may be reached by telephone at (973) 597-2500. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

Rohini K. Garg
Agent for Applicants
Reg. No. 45,272

LOWENSTEIN SANDLER PC
65 Livingston Avenue
Roseland, NJ 07068
Tel.: 973-597-2500